

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

THE TORO COMPANY,
a Delaware Corporation,

Civil No. 05-1835 (PJS/JJG)

Plaintiff,

v.

ORDER

TEXTRON, INC.,
a Delaware Corporation, and

JACOBSEN, A TEXTRON COMPANY,
a Division of Textron, Inc.,

Defendants.

It is hereby ORDERED that the Court will receive extrinsic evidence at the *Markman* hearing only to the extent that such extrinsic evidence has already been cited in any party's *Markman* briefs. The court will not receive any additional extrinsic evidence at the *Markman* hearing, nor will the Court receive any extrinsic evidence in the form of live testimony.

Dated: January 10, 2007

s/Patrick J. Schiltz

Patrick J. Schiltz
United States District Judge